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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Working Group on Contemporary
Forms of Slavery
Twentieth session
19-28 April 1995

ANNOTATIONS TO THE PROVISIONAL AGENDA

Prepared by the Secretary-General pursuant to paragraph 13 of resolution 1988/31 of the Sub-Commission

1. Election of officers

1. Rule 23 of the rules of procedure of the functional commissions of the Economic and Social Council provides that unless the Commission decides otherwise, its subsidiary organs shall elect their own officers.

2. Adoption of the agenda

2. Rule 7 of the rules of procedure provides that the agenda shall be adopted at the beginning of each session, after the election of officers, on the basis of the provisional agenda. The provisional agenda for the present session of the Working Group on Contemporary Forms of Slavery is contained in document E/CN.4/Sub.2/AC.2/1995/1.

3. The programme of work of the Working Group for the period 1988-1991 (contained in chap. VI of the report of the Working Group on its thirteenth session, E/CN.4/Sub.2/1988/32) included three main themes to be discussed in successive years: prevention of the sale of children, of prostitution of children and of the use of children in pornography (1989); eradication of the

exploitation of child labour and of debt bondage (1990); and prevention of traffic in persons and of the exploitation of prostitution of others (1991). The Working Group decided to devote its seventeenth session (1992) to an overall evaluation of its activities during the fourteenth, fifteenth and sixteenth sessions, as well as the consideration of any crucial, serious or urgent matters. It also decided to work by themes and to seek solutions and strategies, giving particular attention to the following items included in the agenda: training of law enforcement officials and police, economic development programmes, information campaigns, education programmes for children in danger, new forms of legislation, rehabilitation measures and the protection of working children.

4. At its nineteenth session (1994), the Working Group decided to discuss the following items of the provisional agenda for its twentieth session in the following order: on the first day, item 3, "Review of the implementation of and follow-up to the Conventions on Slavery"; item 4, "United Nations Voluntary Trust Fund on Contemporary Forms of Slavery"; item 5 (a), "Suppression of traffic in persons and exploitation of prostitution of others"; on the second day, continuing discussion of those items; on the third and fourth days, item 5 (b), "Organ transplant"; on the fifth and sixth days, 5 (c), "Bonded labour", 5 (d), "Child labour", 5 (e), "Forced labour", 5 (f), "Migrant workers", 5 (g), "Activities of the Special rapporteur on the sale of children, child prostitution and child pornography", 5 (h), "Incest" and 5 (i) "Other matters, including early marriages and detained juveniles"; on the seventh and eighth days, adoption of the report to the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

3. Review of the implementation of and follow-up to the conventions on slavery

(a) Status of the conventions

5. The Commission on Human Rights, in its resolution 1994/25, and the Sub-Commission, in its resolution 1993/5, requested the Secretary-General to invite States parties to the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 to submit to the Sub-Commission regular reports on the situation in their countries, as provided for under the conventions and in Economic and Social Council decision 16 (LVI) of 17 May 1974. The Commission, in its resolution 1995/27, requested the Secretary-General to invite those eligible States that had not ratified the relevant conventions to consider doing so as soon as possible, or to explain in writing why they felt unable to do so, and to consider providing information regarding their national legislation and practices in this field.

6. Information relating to the status of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery and of the Convention for the Suppression of the Traffic in Persons

and of the Exploitation of the Prostitution of Others is contained in two notes by the Secretary-General (E/CN.4/Sub.2/AC.2/1995/2 and E/CN.4/Sub.2/AC.2/1995/3, respectively).

(b) Review of information received on the status and implementation of the conventions and programmes of action

7. In its resolution 1993/48, the Economic and Social Council reminded States parties to the slavery conventions that they should submit to the Working Group on Contemporary Forms of Slavery regular reports on the situation in their countries, as provided for under the relevant conventions under Council decision 16 (LVI). Information received from States on their compliance with the provisions of the slavery conventions is contained in document E/CN.4/Sub.2/AC.2/1995/5.

(i) Programme of Action for the Prevention of Sale of Children, Child Prostitution and Child Pornography

8. In its resolution 1989/43, the Sub-Commission endorsed the draft programme of action for the prevention of sale of children, child prostitution and child pornography prepared by its Working Group on Contemporary Forms of Slavery, the text of which is found in the report of the Working Group on its fourteenth session (E/CN.4/Sub.2/1989/39). Upon the recommendation of the Sub-Commission, the Commission on Human Rights, in its resolution 1990/67, decided to transmit to Governments, specialized agencies, other intergovernmental organizations and non-governmental organizations the draft programme of action for their comments and requested the Secretary-General to submit to the Commission at its forty-seventh session an analytical summary of the responses received.

9. In its resolution 1991/54, the Commission took note of the comments by Governments, specialized agencies and non-governmental organizations received by the Secretary-General on the draft programme of action for the prevention of sale of children, child prostitution and child pornography (E/CN.4/1991/50 and Add.1) and decided to refer the draft programme of action to the Sub-Commission so that it might make the necessary amendments in the light of those comments. The Commission requested the Sub-Commission, in its reformulation of the programme of action, fully to reflect the 10-point programme of the Plan of Action adopted by the World Summit for Children held in September 1990. The Sub-Commission was also requested to give the highest priority to the reformulation of the programme of action so that it might be adopted by the Commission on Human Rights at its forty-eighth session.

10. In its decision 1991/113, the Sub-Commission, taking note of the draft programme of action for the prevention of the sale of children, child prostitution and child pornography reformulated by the Working Group on Contemporary Forms of Slavery on the basis of comments submitted by States, specialized agencies and interested non-governmental organizations pursuant to Commission on Human Rights resolution 1991/54, decided to transmit the draft programme of action contained in the report of the Working Group (E/CN.4/Sub.2/1991/41 and Corr.1) to the Commission on Human Rights.

11. The Commission on Human Rights, in its resolution 1992/74, adopted the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography and decided to examine the question of the implementation of the Programme of Action by all States every two years. To that end, the Commission requested the Sub-Commission to submit to it a report on the status of implementation of the Programme of Action. The Sub-Commission, in its resolution 1992/2, requested the Secretary-General to invite all States to inform the Sub-Commission of the measures adopted to implement the Programme of Action. Information submitted by States regarding the implementation of the Programme of Action was available to the Sub-Commission at its forty-fifth session (E/CN.4/Sub.2/1993/31 and Add.1) and to the Commission at its fiftieth session (E/CN.4/1994/82). Furthermore, in its resolution 1994/5, the Sub-Commission requested the Secretary-General to report to the Sub-Commission and to the Commission at its fifty-second session on the implementation by States of the Programme of Action. Document E/CN.4/Sub.2/AC.2/1995/4, containing a compilation of the replies of States on the implementation of the Programme of Action, will be available to the Working Group at its present session.

(ii) Programme of Action for the Elimination of the Exploitation of Child Labour

12. In its resolution 1991/55, the Commission on Human Rights endorsed the views expressed by the Sub-Commission on the need to adopt a concerted programme of action to combat these practices and decided to transmit the draft programme of action drawn up by the Working Group on Contemporary Forms of Slavery at its fifteenth session in 1990 to Governments, the specialized agencies, other intergovernmental organizations and non-governmental organizations for their comments. The Secretary-General was requested to submit a summary of the replies received to the Commission at its forty-eighth session. In its resolution 1991/34, the Sub-Commission requested the Secretary-General to make that summary available also to the Working Group on Contemporary Forms of Slavery. Pursuant to this request, the Working Group, at its seventeenth session, had before it the report of the Secretary-General on this subject (E/CN.4/1992/45).

13. After having examined the summary submitted by the Secretary-General, the Commission, in its resolution 1992/74, took note of the comments received and decided to submit to the Sub-Commission the draft programme of action on the elimination of the exploitation of child labour (E/CN.4/1992/45, annex) for the necessary changes, taking into account the views received by Governments, specialized agencies and intergovernmental and non-governmental organizations, and requested the Sub-Commission to give the utmost priority to the re-elaboration of the draft so that it could be approved by the Commission at its forty-ninth session. The Sub-Commission, in its resolution 1992/2, decided to transmit to the Commission the draft programme of action, as reformulated by the Working Group on Contemporary Forms of Slavery and contained in the annex of the Working Group's report (E/CN.4/Sub.2/1992/34). The Commission on Human Rights adopted the Programme of Action for the Elimination of the Exploitation of Child Labour in its resolution 1993/79 and recommended that all States should adopt, as a matter of priority, the necessary legislative and administrative measures to implement the Programme of Action at the national and international levels. Furthermore, the

Commission requested the Sub-Commission to submit every two years a progress report on the implementation of the Programme of Action by all States. The final text of the Programme of Action can be found in the annex to Commission resolution 1993/79.

14. In its resolution 1993/5, the Sub-Commission requested the Working Group to examine at its nineteenth session the state of implementation of the Programme of Action and to transmit a report thereon, through the Sub-Commission, to the Commission on Human Rights. Document E/CN.4/Sub.2/1994/34, containing information regarding the status of implementation of the Programme of Action, was submitted to the Sub-Commission at its forty-sixth session and was available to the Commission at its fifty-first session.

4. United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

15. In its resolution 46/122 of 17 December 1991, the General Assembly decided to establish the United Nations Trust Fund on Contemporary Forms of Slavery. The purposes of the Fund are, first, to assist representatives of non-governmental organizations from different regions dealing with issues of contemporary forms of slavery, to participate in the deliberations of the Working Group by providing them with financial assistance and, second, to extend, through established channels of assistance, humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of contemporary forms of slavery.

16. The Fund is administered in accordance with the Financial Regulations and Rules of the United Nations and other relevant provisions, with the advice of a Board of Trustees composed of five persons with relevant experience in the field of human rights and contemporary forms of slavery in particular, who serve in their personal capacity. The members of the Board of Trustees are appointed by the Secretary-General for a three-year renewable term, in consultation with the current Chairperson of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and with due regard to equitable geographical distribution.

17. In its resolution 46/122 the General Assembly appealed to all Governments to respond favourably to requests for contributions to the Fund. A similar appeal was made by the Commission on Human Rights in its resolution 1992/46, 1994/24 and 1995/27 and by the Sub-Commission in its resolutions 1992/2, 1993/5 and 1994/6.

18. The Commission, in its resolutions 1992/46, 1993/26, 1994/24 and 1995/27 requested the Secretary-General to transmit to all Governments the appeal of the Commission for contributions to the Fund and to make use of all existing possibilities to assist the Board of Trustees of the Fund, inter alia through the preparation, production and dissemination of information material, in its efforts to make the Fund and its humanitarian work better known.

19. In its resolution 1994/6, the Sub-Commission considered it essential, in order to make the Trust Fund more effective, that the General Assembly consider amending the Criteria for the Fund contained in resolution 46/122 by

reversing the order of subparagraphs 1(e) (i) and 1(e) (ii). It recommended to the Commission to endorse this recommendation at its fifty-first session. In its resolution 1995/27, however, the Commission expressed doubts concerning the sufficiency of the recommendation.

20. In accordance with General Assembly resolution 46/122, after consultation with the Chairperson of the forty-third session of the Sub-commission, the Secretary-General decided to appoint the following five members to the Board of Trustees of the Fund for the three-year term of office expiring on 31 December 1995: Mr. Cheikh Saad-Bouh Kamara (Africa), Mr. Swami Agnivesh (Asia), Mr. Michel Bonnet (Western Europe), Ms. Tatiana Matveeva (Eastern Europe) and Ms. Eugenia Zamora Chavarría (Latin America).

21. The first session of the Board of Trustees of the Fund was held at the United Nations Office at Geneva from 22 to 26 March 1993.

5. Review of developments in the field of contemporary forms of slavery and measures to prevent and eradicate all contemporary forms of slavery

(a) Suppression of traffic in persons and exploitation of the prostitution of others

22. In its resolution 6 B (XXXI) of 13 September 1978, the Sub-Commission requested the Working Group to follow with interest and to cooperate in the studies on the traffic in persons and on the exploitation of prostitution undertaken by the relevant United Nations organs pursuant to resolution 1 (XXVI) of the Commission on the Status of Women.

23. In its resolution 1980/4, the Economic and Social Council requested the Secretary-General to prepare a report on the application of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, emphasizing in particular the causes and socio-economic conditions which encouraged the development of prostitution. In its resolution 1981/40, the Council requested the Secretary-General to undertake an inquiry among the Governments of Member States and the international organizations concerned on the status of the question and to report thereon to the General Assembly at its thirty-seventh session, so that, with full knowledge of the facts, joint measures could be envisaged to put an end to that form of slavery. A report containing all information available to the Secretary-General on the traffic in persons and the exploitation of the prostitution of others (E/CN.4/Sub.2/AC.2/1982/13 and Add.1) was transmitted to the Working Group on Slavery at its eighth session, in 1982. The document was subsequently submitted to the General Assembly at its thirty-seventh session.

24. In its resolution 1982/20, the Economic and Social Council requested the Secretary-General to appoint a special rapporteur to make a synthesis of the surveys and studies on the traffic in persons and the exploitation of the prostitution of others that had been or were being carried out within or outside the United Nations system, and to propose appropriate measures to prevent and suppress those practices that were contrary to the fundamental rights of human beings. The Special Rapporteur, Mr. J. Fernand-Laurent,

submitted his report on the suppression of the traffic in persons and the exploitation of the prostitution of others (E/1983/7 and Corr.1 and 2) to the Economic and Social Council in 1983.

25. The Council, in its resolution 1983/30, recommended that Member States should take account of the report of the Special Rapporteur and draw up, subject to their constitutions and legislation and in consultation with the parties concerned, policies aimed, to the extent possible, at the prevention of prostitution through the punishment of all forms of procuring and the curbing of the trade in pornography, in particular when minors are exploited, and at the rehabilitation of prostitutes through the elimination of discrimination and socio-economic reinsertion.

26. The Council further invited Member States to cooperate closely with one another in the search for missing persons and in the identification of international networks of procurers and, if they were members of the International Criminal Police Organization, to cooperate with that organization, requesting it to make the suppression of the traffic in persons one of its priorities. The Council invited the regional commissions to help Member States and United Nations bodies wishing to organize regional expert meetings, seminars or symposia on the traffic in persons.

27. Also in resolution 1983/30, the Council requested the Centre for Human Rights to prepare, in liaison with the United Nations agencies and organs concerned and with the competent non-governmental organizations, a study on the legal and social problems of sexual minorities and to submit it as soon as possible to the Sub-Commission. In accordance with Sub-Commission resolution 1987/31, the study on this question, prepared by Mr. J. Fernand-Laurent at the invitation of the Secretary-General, was made available to the Sub-Commission at its fortieth session (E/CN.4/Sub.2/1988/31).

28. The General Assembly, in its resolution 38/107 of 16 December 1983, appealed to States Members of the United Nations to provide special protection to victims of prostitution through measures including education, social guarantees and employment opportunities for those victims with a view to their rehabilitation. It also requested the Economic and Social Council, the Commission on Human Rights, the Commission on the Status of Women, the regional commissions and other concerned bodies of the United Nations system to devote greater attention to the problem of prostitution and the means for its prevention.

29. In its resolution 1985/25, the Commission on Human Rights recommended that the struggle against procuring should be intensified at the national level and, further, that international measures be adopted with the two-fold purpose of dismantling the networks which feed prostitution and repatriating the victims of these networks, as well as extending assistance to them.

30. The Sub-Commission, in its resolution 1988/31, encouraged United Nations bodies, in particular the United Nations Educational, Scientific and Cultural Organization, to examine the possibility of organizing expert meetings on the international standards regarding the prevention of traffic in persons and the exploitation of the prostitution of others. The Sub-Commission also requested

the Secretary-General to invite the Branch for the Advancement of Women at the United Nations Office at Vienna to send information contained in the reports of States submitted under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women which referred to prostitution under article 6 of that Convention to the Working Group. At its fourteenth session, in 1989, the Working Group had before it that information (E/CN.4/Sub.2/AC.2/1989/6).

31. The Sub-Commission, in its resolution 1990/30, recommended that the Committee on the Elimination of Discrimination against Women, when examining the reports of States parties to the Convention on the Elimination of All Forms of Discrimination against Women, should give particular attention to the implementation of the provisions of article 6 of the Convention, with a view to suppressing all forms of traffic in women.

32. In its resolution 1989/74, 1990/46, 1991/35, 1992/10 and 1993/48, the Economic and Social Council requested the Secretary-General to report on the steps taken to implement the recommendations contained in Council resolution 1983/30 by those Member States, United Nations organizations and other intergovernmental organizations that had not yet submitted such information and to make that report available to the Working Group on Contemporary Forms of Slavery. The attention of the Working Group was drawn to the reports of the Secretary-General contained in documents E/1985/46, E/1990/33, E/1991/18, E/1992/49 and Add.1-2, E/1993/61 and Add.1 and E/1994/76 and Add.1. Furthermore, the Economic and Social Council, in its resolution 1992/10, once again reminded States parties to the slavery conventions that they should submit to the Working Group regular reports on the situation in their countries, as provided for under the relevant conventions and Council decision 16 (LVI) of 17 May 1974.

33. In accordance with Sub-Commission resolution 1991/34, the Secretary-General prepared a report (E/CN.4/Sub.2/AC.2/1992/8) on a Council of Europe seminar on trafficking in persons and prostitution, held at Strasbourg from 24 to 27 September 1991.

34. At its sixteenth session, in 1991, the Working Group on Contemporary Forms of Slavery included in its agenda, under the main theme of the session, "Prevention of traffic in persons and the exploitation of the prostitution of others", two new subitems entitled:

(a) United Nations conventions on the rights of women and their protection, including the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others; and

(b) Proposal for a request for an advisory opinion by the International Court of Justice on the validity of reservations to the Convention on the Elimination of All Forms of Discrimination against Women.

35. By its decision 1991/115, the Sub-Commission decided to suspend consideration of the draft resolution entitled "Validity of reservations to the Convention on the Elimination of All Forms of Discrimination against Women" until it forty-fourth session.

36. In its resolution 1992/3, the Sub-Commission requested the Secretary-General to seek the views of the Committee on the Elimination of Discrimination against Women and the Commission on the Status of Women on the desirability of obtaining an advisory opinion on the validity and legal effect of reservations to the Convention on the Elimination of All Forms of Discrimination against Women, and to invite them, in their replies, to make such further observations on the issue of reservations to that Convention as they might consider appropriate.

37. In the same resolution the Sub-Commission requested the Secretary-General to report on the results of the above consultations to the Sub-Commission at its forty-fifth session in 1993. Therefore, the Secretary-General submitted to the Sub-Commission the communication sent by the Division for the Advancement of Women, on behalf of the Committee on the Elimination of Discrimination against Women, on that issue (E/CN.4/Sub.2/1993/32).

38. In its resolution 1991/37, the Sub-Commission endorsed the draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others, drawn up by the Working Group on Contemporary Forms of Slavery at its sixteenth session (see E/CN.4/Sub.2/1991/41, annex I).

39. The Commission on Human Rights, in its resolution 1992/36, endorsed the views expressed by the Sub-Commission on the need to launch concerted action to combat traffic in persons and the exploitation of the prostitution of others and decided to transmit the draft programme of action to Governments, specialized agencies and intergovernmental and non-governmental organizations for their comments.

40. Upon the request of the Commission, the Secretary-General submitted reports (E/CN.4/1993/58 and Add.1 and E/CN.4/1994/71 and Add.1) containing summaries of the comments received to the Commission at its forty-ninth and fiftieth sessions. No action was taken by the Commission at its forty-ninth and fiftieth sessions with regard to the draft programme of action and the comments contained in the above-mentioned reports.

41. In its resolution 1994/5, the Sub-Commission recommended that the Commission on Human Rights take into consideration at its fifty-first session and eventually adopt the draft programme of action. The Commission on Human Rights in its resolution 1995/27, requested the Sub-Commission at its forty-seventh session to review the draft programme of action in the light of comments already received or to be received and to submit to the Commission at its fifty-second session a final draft for approval.

42. In its resolution 1995/25, the Commission drew the attention of the Working Group on Contemporary Forms of Slavery to the problem of traffic in women and girl children.

(b) Organ transplant

43. In its resolution 1987/32, the Sub-Commission drew the attention of the Commission on Human Rights to the recommendation of the Working Group on

Contemporary Forms of Slavery that the report of the Secretary-General on the sale of children (E/CN.4/Sub.2/1987/28) be given a deeper and broader accent, including matters relating to organ transplant and the foetus trade.

44. These matters were briefly referred to in two further reports on the sale of children prepared by the Secretary-General (E/CN.4/1988/30, paras. 31 and 34; E/CN.4/Sub.2/1989/38, paras. 30, 31 and 34). More substantial study of the issue was undertaken by the Special Rapporteur of the Commission on Human Rights, Mr. V. Muntarbhorn, in his reports on the sale of children (E/CN.4/1991/51, paras. 23-25; E/CN.4/1992/55, paras. 102-108 and 311; E/CN.4/1992/55/Add.1, paras. 28, 29 and 44 (b); E/CN.4/1993/67, paras. 100-127; E/CN.4/1994/84 and Add.1, paras. 100-113 and paras. 44-46 and A/49/478, paras. 84-98).

45. The Sub-Commission, at its forty-fourth session, requested the Secretary-General, in its resolution 1992/2, to invite all Governments, United Nations bodies, including the United Nations Children's Fund, the specialized agencies, in particular the World Health Organization, and all relevant non-governmental organizations, in particular the International Criminal Police Organization, to pursue their investigations of allegations involving the removal of organs from children and to indicate the measures taken, if any, to counteract that practice wherever it existed, with a view to presenting a report to the Working Group at its eighteenth session. This request was repeated in Sub-Commission resolution 1993/5, and the Secretary-General submitted to the Working Group at its nineteenth session a report (E/CN.4/Sub.2/AC.2/1994/8) in compliance with the above request.

46. The Sub-Commission repeated its request in resolution 1994/5. Consequently, the Secretary-General will submit a report (E/CN.4/Sub.2/AC.2/1995/6) in compliance with the request to the Working Group at its twentieth session.

(c) Bonded labour

47. The Sub-Commission, in its resolution 6 B (XXXI) of 13 September 1978, requested the Secretary-General to undertake, together with the specialized agency concerned, an in-depth, worldwide study of debt bondage, taking into account all the relevant economic, social and legal aspects and the interconnections with other slavery-like practices, and for this purpose to make use of any information from reliable sources made available to him.

48. In its resolution 8 (XXXIII) of 10 September 1980, the Sub-Commission invited the Secretariat to give priority to the study of debt bondage requested in Sub-Commission resolution 6 B (XXXI). It requested the Secretariat to examine the possibility of organizing a round table or symposium on debt bondage, with the participation of experts, the specialized agencies and all concerned bodies of the United Nations system, as part of its advisory services programme, in order that the problem could be studied in depth.

49. In its resolution 1982/15, the Sub-Commission urged that the study on debt bondage called for by the Sub-Commission in its resolutions 6 B (XXXI) and 8 (XXXIII) should be undertaken without further delay and that the author should be requested to recommend the steps necessary for total reform within a realistic, but limited, period of time.

50. The Commission on Human Rights, in its resolution 1985/25, requested the Sub-Commission to consider undertaking, at the appropriate time, the study on debt bondage, as recommended on previous occasions. In its resolution 1986/34, the Commission on Human Rights considered that in the light of the work of the Sub-Commission and its Working Group on Slavery, several issues including debt bondage had not received sufficient attention.

51. The Sub-Commission, in its resolution 1988/31, recommended that all competent United Nations agencies, development banks and intergovernmental bodies involved in development projects should ensure that their projects did not perpetuate or involve bonded labour, and that they contribute to its elimination. The Sub-Commission further recommended that Member States, where the phenomenon of bonded labour existed, should be urged to take effective means, especially at the implementation level, to curtail bonded labour, for example:

(a) By seeking and encouraging the involvement of non-governmental organizations;

(b) By effective dissemination of national legislation on labour rights and on the prohibition of bonded labour particularly directed towards victims of bonded labour;

(c) By setting up vigilance committees under the law;

(d) By invoking to the fullest extent the constraining power of the law against the violators.

52. In its resolution 1990/30, the Sub-Commission invited the Secretary-General to recommend to the International Labour Organization that it consider the possibility of holding a seminar or workshop on debt bondage, in relation and coordination with other organizations and agencies of the United Nations system. In its resolution 1992/2 the Sub-Commission decided to keep the question of the eradication of debt bondage under consideration and to assess the progress achieved.

53. By its decision 1993/112, the Commission authorized the Sub-Commission to consider the possibility of appointing a special rapporteur to update the report of Mr. A. Bouhdiba (E/CN.4/Sub.2/479) and to extend that study to the problem of debt bondage. The Sub-Commission, in its resolution 1993/5, decided to appoint Mrs. H.E. Warzazi as Special Rapporteur for that purpose. Moreover, the Sub-Commission decided to keep the question of debt bondage under consideration to assess the progress achieved, with a view to the elimination of that intolerable practice.

54. For further action taken on this subject by the Sub-Commission and by the Commission on Human Rights, see the following section on child labour.

(d) Child labour

55. The Sub-Commission, in its resolution 6 B (XXXI) of 13 September 1978, decided to put the subject of the exploitation of child labour on the agenda of its thirty-second session in 1979, the International Year of the Child. In its resolution 7 B (XXXII) of 5 September 1979, the Sub-Commission decided to review the question of the exploitation of child labour annually.

56. Upon the recommendation of the Sub-Commission, the Commission on Human Rights, in its resolution 17 (XXXVI) of 29 February 1980, recommended to the Economic and Social Council that it authorize the Sub-Commission to entrust Mr. Abdelwahab Bouhdiba as Special Rapporteur with the preparation of a report on the exploitation of child labour. The Council endorsed this recommendation by its decision 1980/125.

57. Having received the study prepared by Mr. Bouhdiba on the exploitation of child labour (E/CN.4/Sub.2/479), the Commission on Human Rights, in its resolution 1982/21, invited the Sub-Commission to present to the Council, through the Commission, a concrete programme of action to combat violations of human rights through the exploitation of child labour. The note by the Special Rapporteur setting out his proposed programme of action (E/CN.4/Sub.2/1982/29) was submitted to the Sub-Commission at its thirty-fifth session and to the Commission on Human Rights at its thirty-seventh session for its consideration.

58. In its resolution 1984/28, the Economic and Social Council endorsed the recommendation of the Commission on Human Rights (resolution 1984/35) to organize, in close cooperation with the International Labour Office, a seminar on ways and means of achieving the elimination of the exploitation of child labour in all parts of the world, within the framework of the programme of advisory services in the field of human rights. The report of the seminar, which was held at Geneva from 28 October to 8 November 1985, is contained in document ST/HR/SER.A/18.

59. On the recommendation of the Sub-Commission, the Commission, in its resolution 1986/34, recommended that in all societies appropriate employment legislation should be adopted, education facilities made available at the place of work or elsewhere and a legal minimum wage for children introduced, and that all competent national authorities should ensure that no children under the minimum age established by law were employed, either directly or through local subcontractors. The Commission further recommended that all competent United Nations agencies, development banks and intergovernmental bodies involved in development projects should encourage policies and measures to protect the human rights of children against abusive labour.

60. The Sub-Commission, in its resolution 1988/31, recommended that the United Nations agencies dedicated to child welfare, particularly the United Nations Children's Fund and the International Labour Organization, should study the problem of child labour with a view to assisting those countries in which it existed to eradicate it. It further recommended that all competent United Nations agencies, development banks and international bodies involved in development projects should ensure that no child was employed either directly or through local subcontractors.

61. In its resolution 1990/30, the Sub-Commission recommended that the supervisory bodies of the International Labour Organization and the Committee on Conventions and Recommendations of the United Nations Educational, Scientific and Cultural Organization give particular attention in their work to the implementation of provisions and standards designed to ensure protection of children and other persons exposed to contemporary forms of slavery, such as the sale of children, child prostitution and child pornography, the exploitation of child labour, bonded labour and traffic in persons.

62. The Sub-Commission, in its resolutions 1990/30, 1991/34 and 1992/2, requested the Commission on Human Rights to authorize it to consider the possibility of appointing a special rapporteur to update Mr. Bouhdiba's study on the exploitation of child labour (United Nations publication Sales No. E.82.XIV.2) and to extend that study to the problem of debt bondage.

63. By its decision 1993/112, the Commission authorized the Sub-Commission to consider the possibility of appointing a special rapporteur to update Mr. Bouhdiba's study and to extend that study to the problem of debt bondage. The Economic and Social Council, in its resolution 1993/48, endorsed the decision of the Commission.

64. The Sub-Commission, in its resolution 1993/5, taking into account the above-mentioned decision of the Commission, decided to appoint Mrs. Halima Embarek Warzazi as Special Rapporteur to update the study. In its decision 1994/103, the Commission requested the Sub-Commission to reconsider its decisions to recommend new studies and related efforts, including that of the appointment of a special rapporteur on child labour.

65. The Sub-Commission, in its resolution 1994/5, recommended that the Commission on Human Rights at its fifty-first session endorse the appointment of Mrs. Warzazi as Special Rapporteur on the exploitation of child labour and debt bondage. In its resolution 1995/27, the Commission on Human Rights requested the Sub-Commission to give further consideration to its proposed appointment and to make the appointment subject to the submission of a preparatory document.

(e) Forced labour

66. At its nineteenth session, the Working Group considered forced labour as a contemporary form of slavery and decided to include this item in the provisional agenda for its twentieth session.

(f) Migrant workers

67. The Commission on Human Rights in its resolutions 1989/35, 1990/63, 1991/58, 1992/47, 1993/27, 1994/25 and 1995/27 invited all Member States to consider the possibility of taking appropriate action for the protection of particularly vulnerable groups such as children and migrant women against exploitation by prostitution and other slavery-like practices, including the possibility of establishing national bodies to achieve these objectives. The Commission also requested Governments to pursue a policy of information,

prevention and rehabilitation of women victims of the exploitation of prostitution and to take the appropriate economic and social measures deemed necessary to that end.

68. Reference is made to General Assembly resolution 49/175 and Commission on Human Rights resolution 1995/21, both entitled "International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families". In its resolution 1994/5, the Sub-Commission urged States to ratify the Convention, which was adopted by the General Assembly in its resolution 45/148. Reference is also made to General Assembly resolution 49/165, entitled "Violence against women migrant workers".

(g) Activities of the Special Rapporteur on the sale of children, child prostitution and child pornography

69. Upon the recommendation of the Sub-Commission (resolution 1989/42), the Commission on Human Rights, in its resolution 1990/68, decided to appoint for a period of one year a special rapporteur to consider matters relating to the sale of children, child prostitution and child pornography, including the problem of the adoption of children for commercial purposes. The Commission requested the Special Rapporteur to submit a comprehensive report to the Commission at its forty-seventh session on his activities relating to these matters, including the frequency and extent of such practices, as well as his conclusions and recommendations.

70. By its resolution 1991/53, the Commission on Human Rights welcomed the preliminary assessment by the Special Rapporteur of his tasks as contained in his report to the Commission on Human Rights at its forty-seventh session (E/CN.4/1991/51).

71. In its resolution 1991/54, the Commission requested the Special Rapporteur, on the basis of his experience, to consider the possibility of submitting his comments and suggestions to the Working Group on Contemporary Forms of Slavery, if possible by attending its meetings. The Sub-Commission, in its resolution 1991/34, requested the Special Rapporteur to pay increased attention to aspects relating to trafficking in children, especially trafficking with a view to organ transplantation, disappearances, the purchase and sale of children, child prostitution and participation by children in armed conflicts. This request was repeated in Sub-Commission resolution 1992/2. The Sub-Commission decided to transmit to the Special Rapporteur the information supplied to the Working Group on Contemporary Forms of Slavery on the above-mentioned subjects.

72. In its resolutions 1992/76, 1993/82 and 1994/92, the Commission on Human Rights welcomed the reports of the Special Rapporteur on the sale of children (E/CN.4/1992/55 and Add.1, E/CN.4/1993/67 and Add.1 and E/CN.4/1994/84 and Add.1) and endorsed his conclusions and recommendations concerning the strengthening of preventive strategies to tackle the root causes of the sale of children, child prostitution and child pornography.

73. In its resolution 48/156, the General Assembly expressed its support for the work of the Special Rapporteur of examining all over the world the question of the sale of children, child prostitution and child pornography and

invited him to continue providing attention to the economic, social, legal and cultural factors affecting these phenomena. The Assembly requested the Special Rapporteur to submit to it a provisional report at its forty-ninth session. In accordance with that request, the Special Rapporteur submitted his provisional report (A/49/478).

74. In its resolution 49/210, the General Assembly welcomed the provisional report and requested the Special Rapporteur to submit another provisional report at its fiftieth session.

75. In its resolution 1995/79, the Commission on Human Rights, having considered the report of the Special Rapporteur submitted to the General Assembly at its forty-ninth session, decided to renew the mandate of the newly appointed Special Rapporteur (Mrs. Ofelia Calcetas-Santos, Philippines) for a further three years and invited her, inter alia, to cooperate closely with the Working Group on Contemporary Forms of Slavery.

(h) Incest

76. The Working Group decided to include this item in its agenda for the twentieth session and to consider ways to combat incest and the sexual abuse of children inside the family and urged that adequate help be offered to victims of such practices; it also urged Member States to take adequate steps to punish suitably the perpetrators of this most heinous offence.

(i) Other matters, including early marriages and detained juveniles

Early marriages

77. At its nineteenth session, the Working Group took note of information provided on the issues of early marriages and detained juveniles and decided to include these items on the agenda of its next session

Detained juveniles

78. The Sub-Commission, in its resolution 1991/16, entitled "The application of international standards concerning the human rights of detained juveniles", requested the Secretary-General to explore the feasibility of organizing a meeting of experts under the auspices of the Centre for Human Rights, the United Nations Children's Fund and the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs on the application of international standards concerning the human rights of detained juveniles.

79. The Commission on Human Rights, in its resolution 1993/80, welcomed the proposal by the Secretary-General to organize such a meeting, within the framework of the programme of human rights activities for 1994. The Commission also expressed the wish that the Committee on the Rights of the Child and the Working Group on Contemporary Forms of Slavery and the Working Group on Detention of the Sub-Commission should be represented at the meeting of experts, together with the specialized non-governmental organizations, in particular those of juvenile court judges. The proposal to organize such a meeting was approved by the Economic and Social Council in its

decision 1993/280. The expert group meeting on children and juveniles in detention was convened at Vienna from 30 October to 4 November 1994. It submitted a report to the Commission at its fifty-first session (E/CN.4/1995/100). Having considered the report, the Commission, in its resolution 1995/41, called upon the working groups which already had given special attention to questions relating to the effective protection of human rights in the administration of justice to continue to provide specific recommendations in that regard. The Commission also requested the Secretary-General to submit a report on the issue at its fifty-second session.

80. In its resolution 1994/9, entitled "Situation of children deprived of their liberty", the Sub-Commission requested the Secretary-General to submit to it at its forty-seventh session a note on the situation of children deprived of their liberty.

Slavery during wartime

81. In its resolution 1993/24, the Sub-Commission decided to entrust Ms. Linda Chavez, as Special Rapporteur, with the task of undertaking an in-depth study on the situation of systematic rape, sexual slavery and slavery-like practices during wartime, including internal armed conflict. The Commission on Human Rights, in its decision 1994/103 requested the Sub-Commission to reconsider its decision.

82. The Sub-Commission, in its decision 1994/109, decided to invite Ms. Linda Chavez to submit, without financial implication, a working paper on that issue at its forty-seventh session.

Draft optional protocol on the sale of children, child prostitution and child pornography

83. The General Assembly, in its resolution 48/156. requested the Commission on Human Rights to consider, at its fiftieth session, the creation of a working group to study, as a matter of priority, the elaboration of guidelines, in close contact with the Special Rapporteur, for a possible draft optional protocol on the issues related to the sale of children, child prostitution and child pornography, as well as the basic measures required for preventing and eradicating these serious problems. Following this request, the Commission on Human Rights, in its resolution 1994/90, decided to set up an open-ended inter-sessional working group, which would meet for two weeks prior to the fifty-first session of the Commission, and to include this issue as a specific sub-item of the agenda item "Rights of the Child", entitled "Question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication". In its resolution 1994/9, the Economic and Social Council authorized the establishment of the working group.

84. In accordance with Commission on Human Rights resolution 1994/90, the working group held its first session from 14 to 25 November 1994. The working group submitted its report to the Commission at its fifty-first session (E/CN.4/1995/95). The Commission, in its resolution 1995/78, having examined the report decided that the open-ended working group should elaborate, on the

basis of the guidelines contained in its report, a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

Sex tourism

85. In its resolution 1992/2, the Sub-Commission requested the Secretary-General to convey to the World Tourism Organization the grave concern of the Working Group on Contemporary Forms of Slavery with regard to sex tourism, together with a request that it convene, as a matter of priority, a meeting to discuss the consequences of sex tourism and ways of preventing this phenomenon, in particular when the prostitution of children is involved.

86. In its resolution 1993/5, the Sub-Commission requested the Secretary-General to convey to the World Tourism Organization the Working Group's grave concern at the information received during its eighteenth session with regard to the persistence and the development of sex tourism.

87. In its resolution 1994/5, the Sub-Commission requested the Secretary-General to appeal to the World Tourism Organization to inscribe on the agenda for its next conference an item on sex tourism and its development.

Child soldiers

88. In its resolutions 1989/41, 1990/30 and 1991/34, the Sub-Commission expressed its deep concern at the fact that in many regions of the world children were still taking part in hostilities and were being recruited into the armed forces, and that certain Governments and non-governmental entities encouraged and sometimes compelled children to take part in military training and participate in hostilities.

89. At its forty-second session, the Sub-Commission had before it the report on the recruitment of children into government and non-governmental armed forces (E/CN.4/Sub.2/1990/43 and Add.1 and 2) submitted by the Secretary-General in accordance with the request contained in Sub-Commission resolution 1989/41.

90. The Sub-Commission, in its resolution 1991/34, requested the Secretary-General to update his report on the recruitment of children into government and non-governmental armed forces on the basis of the information provided by Governments, the specialized agencies and intergovernmental and non-governmental organizations concerned and to submit it to the Sub-Commission at its forty-fourth session.

91. In its resolution 1992/2 the Sub-Commission, at its forty-fourth session, having examined the report of the Secretary-General (E/CN.4/Sub.2/1992/35 and Add.1), requested the Working Group to continue to give attention to this question at its eighteenth session. This request was repeated in resolution 1993/5 of the Sub-Commission.

92. The General Assembly, in its resolution 48/157, expressed its concern about the situation of the traffic of children in many parts of the world as a result of armed conflicts and urged all Member States to continue seeking

comprehensive improvement of that situation, taking appropriate and concrete measures to alleviate it. The Assembly also requested bodies and organizations of the United Nations, as well as intergovernmental and non-governmental organizations, within the scope of their respective mandates, to cooperate in order to ensure more effective action in addressing the problem of the children affected by armed conflicts. Pursuant to the request by the General Assembly contained in the same resolution, the Secretary-General submitted a report at its forty-ninth session on concrete measures taken to alleviate the situation of children in armed conflicts (A/49/411).

93. Also in the same resolution, the General Assembly requested the Secretary-General to appoint an expert, working in collaboration with the Centre for Human Rights and the United Nations Children's Fund, to undertake a comprehensive study on the protection of children directly or indirectly participating in armed conflicts, as well as the relevance and adequacy of existing standards, and to make specific recommendations on ways and means to prevent children from being affected by armed conflicts, to improve and to ensure their protection, including against the indiscriminate use of all weapons of war, especially anti-personnel mines, and to promote their physical and psychological recovery and social reintegration, in particular measures to ensure proper medical care and adequate nutrition, taking into account the recommendations of the World Conference on Human Rights (A/CONF.157/23, part II, para. 50) and the Committee on the Rights of the Child (CRC/C/16). Following this request, the Secretary-General decided to appoint as an expert on that issue Ms. Graça Machel (Mozambique). The General Assembly further requested Member States, United Nations bodies and organizations, as well as other relevant intergovernmental and non-governmental organizations, including the Committee on the Rights of the Child, the United Nations Children Fund, the Office of the United Nations High Commissioner for Refugees, the World Health Organization and the International Committee of the Red Cross, to contribute to the above-mentioned study. At the request of the Assembly, the Secretary-General submitted a progress report on the study at its forty-ninth session (A/49/643).

94. The Commission on Human Rights, in its resolution 1994/94, recalling its resolution 1993/83, welcomed the decision of the General Assembly to appoint an expert to undertake a thorough study on the issue of children involved in armed conflicts. The Commission requested all States to render full support for the prevention of the indiscriminate use of anti-personnel mines and for the protection and assistance for the victims. Furthermore, the Commission, in its resolution 1994/91, recommended to the Economic and Social Council that it authorize an open-ended working group of the Commission on Human Rights to meet for a period of two weeks prior to the fifty-first session of the Commission in order to elaborate, as a matter of priority, a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. The working group used as a basis for discussion the preliminary draft optional protocol on the involvement of children in armed conflicts prepared by the Committee on the Rights of the Child (E/CN.4/1994/91).

95. The Working Group held its first session from 31 October to 11 November 1994. It submitted its first report (E/CN.4/1995/96) to the Commission on Human Rights at its fifty-first session.

Organization of work

96. In its resolution 1991/34, the Sub-Commission requested the Secretary-General to examine the possibility of organizing the sessions of the Working Group on Contemporary Forms of Slavery for eight working days during the month of April or May, in order to avoid overlapping with meetings of other working groups of the Sub-Commission and the burden this places on the Centre for Human Rights, and in view of the impossibility of representatives of Governments and non-governmental organizations attending simultaneous sessions. This request was approved by the Commission on Human Rights in its decision 1992/115.

97. The Economic and Social Council, in its resolution 1993/48, approved the endorsement by the Commission on Human Rights in resolution 1993/27 of the recommendation made by the Sub-Commission, in its resolution 1992/2, that the arrangements regarding the organization of the session of the Working Group, as contained in Commission decision 1992/115, be repeated in subsequent years.

6. Adoption of the report of the Working Group to the Sub-Commission on Prevention of Discrimination and Protection of Minorities

98. Under rule 37 of the rules of procedure, the Working Group is to report to the Sub-Commission on the work of its session.